

REFERENCE TITLE: criminal justice; budget reconciliation

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2750

Introduced by
Representatives Lopes, Aguirre A, Alvarez: Downing, Kirkpatrick

AN ACT

AMENDING SECTION 41-191.03, ARIZONA REVISED STATUTES; REPEALING SECTION 41-91.09, ARIZONA REVISED STATUTES; AMENDING LAWS 2005, CHAPTER 300, SECTION 15; MAKING AN APPROPRIATION; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-191.03, Arizona Revised Statutes, is amended to
3 read:

4 41-191.03. Collection enforcement revolving fund; disposition
5 of monies

6 A. A collection enforcement revolving fund is established for the
7 purpose of collecting debts owed to the state. Monies in the fund are
8 subject to legislative appropriation. The attorney general shall administer
9 the fund.

10 B. The attorney general may expend from the collection enforcement
11 revolving fund such monies as are necessary for the collection of debts owed
12 to the state, including reimbursing other accounts or departments within the
13 office of the attorney general from which monies or services for collection
14 were provided.

15 C. Thirty-five per cent of all monies recovered by the attorney
16 general pursuant to section 41-191.04 shall be deposited, pursuant to
17 sections 35-146 and 35-147, in the collection enforcement revolving fund.

18 D. Sixty-five per cent of all monies recovered by the attorney general
19 pursuant to section 41-191.04 shall be distributed as follows:

20 1. Those monies which are directly attributable to a fund containing
21 monies which do not revert to the state general fund at the end of the fiscal
22 year shall be deposited, pursuant to sections 35-146 and 35-147, in that
23 fund.

24 2. All other monies shall be deposited, pursuant to sections 35-146
25 and 35-147, in the state general fund.

26 E. Monies in the collection enforcement revolving fund are exempt from
27 the lapsing provisions of section 35-190, except that monies remaining in the
28 fund at the end of each fiscal year in excess of ~~one~~ FOUR hundred thousand
29 dollars shall be distributed on a pro rata basis to the funds receiving
30 monies pursuant to subsection D of this section. Such distribution shall be
31 based on the percentage that the collections deposited in each fund bear to
32 the total amount deposited into the funds during the fiscal year.

33 F. Notwithstanding anything in subsections B through E of this
34 section, monies due and owing pursuant to section 12-116.01 and collected by
35 the attorney general shall be distributed as follows:

36 1. Twenty per cent of all monies recovered by the attorney general
37 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
38 and 35-147, in the collection enforcement revolving fund.

39 2. Eighty per cent of all monies recovered by the attorney general
40 pursuant to section 41-191.04 shall be deposited, pursuant to sections 35-146
41 and 35-147, in the criminal justice enhancement fund, ~~—~~ established by section
42 41-2401.

43 Sec. 2. Repeal

44 Section 41-191.09, Arizona Revised Statutes, is repealed.

1 Sec. 3. Laws 2005, chapter 300, section 15 is amended to read:

2 Sec. 15. Retroactivity: effective date

3 ~~A. Section 41-191.09, Arizona Revised Statutes, as added by this act,~~
4 ~~is effective from and after June 30, 2006.~~

5 ~~B.~~ A. Section 42-3104, Arizona Revised Statutes, as amended by this
6 act, applies retroactively to from and after June 30, 2005.

7 ~~C.~~ B. Section 14 of this act, relating to department of corrections,
8 is effective retroactively to March 21, 2005.

9 Sec. 4. Collection enforcement revolving fund; attorney
10 general; use

11 Notwithstanding section 41-191.03, subsection B, Arizona Revised
12 Statutes, as amended by this act, the attorney general may use monies in the
13 collection enforcement revolving fund established by section 41-191.03,
14 Arizona Revised Statutes, for any operating expenses incurred by the
15 department of law in fiscal year 2006-2007.

16 Sec. 5. Criminal justice enhancement fund; state general fund
17 deposit; crime laboratory assessment fund

18 Notwithstanding any other law, for fiscal year 2006-2007, any monies
19 distributed from the criminal justice enhancement fund pursuant to section
20 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be
21 deposited in the crime laboratory assessment fund established by section
22 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,
23 subsection C, Arizona Revised Statutes, monies distributed by this section
24 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised
25 Statutes, are for use by the department of public safety and are exempt from
26 distribution to political subdivisions.

27 Sec. 6. Department of public safety: highway funds:
28 distribution

29 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,
30 the statutory caps limiting the level of highway user revenue fund monies and
31 state highway fund monies available to fund department of public safety
32 highway patrol costs are suspended for fiscal year 2006-2007.

33 Sec. 7. Appropriation; border security

34 Notwithstanding section 35-144, Arizona Revised Statutes, the first
35 \$50,000,000 that would be deposited in the budget stabilization fund after
36 the effective date of this act is appropriated to the department of public
37 safety for border security and illegal immigration issues.

38 Sec. 8. Retroactivity

39 Laws 2005, chapter 300, section 15, as amended by this act, applies,
40 and section 2 of this act is effective, retroactively to from and after June
41 30, 2006.